

DEPARTMENT OF FISH AND GAME

DIVISION OF HABITAT

333 RASPBERRY RD.
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FISH HABITAT PERMIT FH 10-II-GP55

ISSUED: October 15, 2010

EXPIRES: April 30, 2011

General Public:

Re: Vehicle Crossing – Lowe River
Stream No. 221-60-11370
Sections 23, 26, and 27, T. 9 S., R. 5 W., C.R.M.

Pursuant to AS 16.05.871(b), the Alaska Department of Fish and Game, Division of Habitat, has determined that the public interest would be served through the issuance of a General Permit for a vehicle crossing of the Lowe River near milepost 7.5 of the Richardson Highway.

Project Description

This general permit authorizes the movement of wheeled or tracked vehicles weighing less than 10,000 lbs. dry weight on the bed and banks of the Lowe River at the above referenced location. The authorized crossing site is identified on the attached map. This General Permit authorizes river crossings during low flow periods or when the river is frozen to access and harvest timber for personal use.

Anadromous Fish Act and Coastal Consistency Requirements

The Lowe River has been specified as being important for the spawning, rearing, or migration of anadromous fishes pursuant to AS 16.05.871(a). The Lowe River is known to support Chinook, sockeye, pink, chum, and coho salmon as well as resident Dolly Varden. The conditions of this permit are consistent with the standards of the Alaska Coastal Management Program.

In accordance with AS 16.05.871(d), authorization is hereby given for the general public to cross the Lowe River at the identified crossing subject to the following stipulations:

1. Crossing the Lowe River at the identified crossing site (see attached map) is authorized between October 15 and April 30. Crossings outside of this time period will require an individual permit.
2. Crossings by wheeled or tracked vehicles equipped with buckets or blades are prohibited.
3. River crossings shall be made in a direction substantially perpendicular to the water flow and vehicles shall not be driven upstream or downstream.
4. To minimize streambed disturbance, all open water crossings shall be conducted at the same location.
5. Streambanks and streambeds shall not be altered or disturbed in any way to facilitate crossings.
6. Vehicles shall not be parked in open water. Parking below ordinary high water is authorized only on frozen surfaces or exposed gravel bars.
7. Vehicles shall not be refueled or serviced below ordinary high water. Vehicles leaking oil or other hazardous substances are prohibited from crossing the river.

The vehicle owner and the operator, or the legal guardian of minor dependents, is responsible for the actions of persons who participate in the approved activity. For any activity that significantly deviates from this approval, the responsible party shall notify the Division of Habitat and obtain written approval in the form of an individual permit before beginning the activity. Any action taken by the permittee or an agent of the permittee that increases the scope of the activity or that negates, alters, or minimizes the intent or effectiveness of any stipulation contained in this permit will be deemed a significant deviation from the approved activity. The final determination as to the significance of any deviation and the need for an individual permit is the responsibility of the Division of Habitat. Therefore, it is recommended that the ADFG, Division of Habitat be consulted immediately when a deviation from the approved activity is being considered.

This letter constitutes a permit issued under the authority of AS 16.05.871. This permit must be retained on site during project activities. Please be advised that this determination applies only to activities regulated by Division of Habitat; other agencies may also have jurisdiction under their respective authorities. This determination does not relieve you of the responsibility for securing other permits: state, federal, or local. You are still required to comply with all other applicable laws.

In addition to the penalties provided by law, this permit may be terminated or revoked for failure to comply with its provisions or failure to comply with applicable statutes and regulations. The department reserves the right to require mitigation measures to correct disruption to fish and game created by the project and which was a direct result of the failure to comply with this permit or any applicable law.

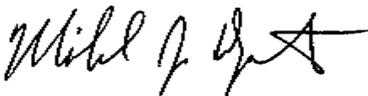
The recipient of this General Permit shall indemnify, save harmless, and defend the department, its agents, and its employees from any and all claims, actions or liabilities for injuries or damages sustained by any person or property arising directly or indirectly from permitted activities or the responsible party's performance under this General Permit. However, this provision has no effect if, and only if, the sole proximate cause of the injury is the department's negligence.

This permit decision may be appealed in accordance with the provisions of AS 44.62.330--44.62.630.

Any questions or concerns about this permit may be directed to Habitat Biologist Megan Marie at (907) 267-2446 or emailed to megan.marie@alaska.gov.

Sincerely,

Denby Lloyd, Commissioner



By: Michael Daigneault
Regional Supervisor
Anchorage Area Office

Enc: Lowe River Crossing Map

cc:	AWT, Valdez	S. Moffit, ADF&G	G. Mullen, ADNR/DOF
	A. Ott, ADF&G	J. Botz, ADF&G	L. Robertson, City of Valdez
	D. Bosch, ADF&G	G. Hollowell, ADF&G	L. Von Bargen, City of Valdez

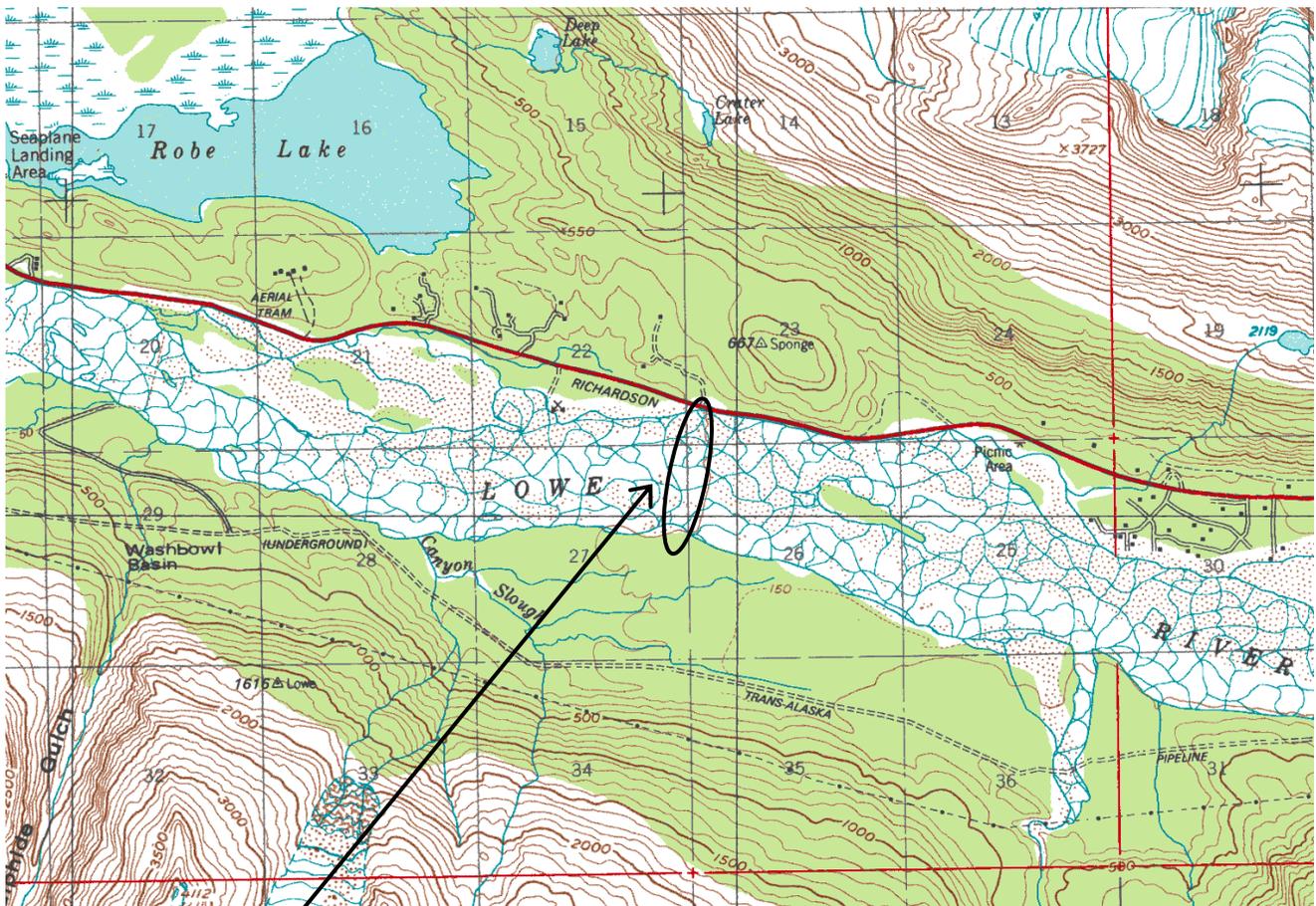
GENERAL PERMIT FH 10-II-GP55

APPROVED CROSSING – MAP

Lowe River – Stream No. 221-60-11370

Sections 23, 26, and 27, T. 9 S., R. 5 W., C.R.M.

Map Notes: The approved crossing of the Lowe River is noted by the legal description above and the circled area depicted below. The crossing is located near milepost 7.5 of the Richardson Highway, directly across from Deep Lake Drive in Valdez, AK. Vehicle crossings at other locations are not authorized by this General Permit and will require an individual permit. Please contact Megan Marie at 267-2446 or megan.marie@alaska.gov with any questions or to request an individual permit application.



Approved Crossing Location